

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1312 (Delegate Valderrama)

Judiciary

Plea Bargain Agreements - Justification - Presentence Proceedings

This bill requires the State’s Attorney, prior to presenting a “plea bargain agreement,” to submit to the court a written justification for entering into the agreement if the defendant is charged with: (1) a crime of violence; or (2) the use of a handgun in the commission of a felony or a crime of violence. Prior to accepting or rejecting a plea bargain agreement in one of these types of cases, the court is required to order presentence proceedings and investigations, and shall defer its decision on whether to accept or reject the plea bargain agreement until it has reviewed a presentence or other investigative report.

Fiscal Summary

State Effect: Indeterminate increase in general fund expenditures. No effect on revenues.

Local Effect: Indeterminate increase in expenditures. No effect on revenues. **This bill imposes a mandate on units of local government.**

Small Business Effect: None.

Fiscal Analysis

State Expenditures: A presentence investigation (PSI) is an investigation into a defendant’s background and circumstances to assist the court in imposing sentence. Department of Parole and Probation (DPP) employees conduct PSIs and prepare PSI reports. Currently, whether a PSI is to be conducted in connection with a plea bargain agreement is within the discretion of the presiding judge. The bill would make PSIs mandatory for every plea bargain in cases involving crimes of violence and/or the use of a handgun. Thus, DPP’s workload would increase. The extent of such an increase and the resulting effect on State expenditures cannot be reliably estimated at this time.

Local Expenditures: State's Attorneys' offices do not usually submit written agreements to courts in connection with plea bargains. As a result of the bill's requirement that State's Attorneys' offices submit a written agreement to the court for every plea bargain agreement entered into for crimes involving violence and/or the use of a handgun, the workload of the State's Attorneys' offices would increase, possibly to the extent of requiring additional personnel. Approximately 90% of all felony cases result in plea bargains.

The bill would also result in an increase in workload for the circuit courts because of the need to review written plea bargain agreements and additional PSI reports and to hold additional PSI hearings. The extent of this increase in workload and the resulting effect on local government finances cannot be reliably estimated at this time.

Although this bill imposes a mandate on local governments, data is not readily available at this time to determine the property tax equivalent for each county.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the State's Attorneys' Coordinator, Department of Public Safety and Correctional Services (Division of Parole and Probation), Department of Legislative Services

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